

Chapter 6D

GENERAL REQUIREMENTS FOR PLATS OF VACATION

6D.1 Vacations

This section establishes required approval procedures for vacating plats, streets, alleys, easements, public places, or parts thereof.

6D.2 Authority to Initiate

The following groups and individuals shall have standing to file an application for vacation:

- A. The owner of the property that is the subject of the vacation request;
- B. The City Council;
- C. Property owners adjoining public street right-of-way that is the subject of the vacation request. The owners of property on both sides of the right-of-way to be vacated are required to jointly file for the vacation of said right-of-way; and
- D. A bona fide association of property owners provided the association is properly registered with the State, is organized to receive, hold, and convey real property, and undertakes to develop the property for the use and benefit of the association in a manner that is compatible with the existing adjoining land uses.

6D.3 Applications for Vacation Approval

Applications for vacation approval shall be submitted to the City Engineer with required documentation. Applications for approval of a vacation may be filed and processed concurrently with other development applications.

6D.4 Requirements

A vacation application shall include but not be limited to the following items:

- A. Name and address of applicants.
- B. Name and address of owners of record of the property subject to the vacation request.
- C. Name and address of all owners of record of land adjoining the property subject to the vacation request.
- D. Legal description of property being vacated and plat of vacation showing how vacated land will be distributed to adjacent land owners.

6D.5 Distribution of Application

Upon receipt of a complete application for vacation the City Engineer shall obtain relevant input from affected reviewing individuals and agencies. If necessary, copies of the application shall be distributed to said individuals and agencies.

6D.6 City Council Review and Action

When public street right-of-way or public property is to be vacated, the City Council shall conduct a required public hearing on the proposed vacation. The City Council may require that the owner or owners of property abutting a platted area, street, alley, easement, public place, or part thereof proposed for vacation provide compensation in an amount which in the judgment of the City Council is equal to the benefits accrued to said owner or owners by reason of such vacation. An ordinance providing for such vacation may be approved or approved with conditions by the affirmative vote of the City Council.

6D.7 Recording

All approved ordinances providing for the vacation of all or part of said street, alley, or public place, or part thereof shall be recorded with the McHenry County Recorder.